

**Regional Tribal Operations Committee (RTOC) Meeting
U.S. EPA Region 5
September 22, 2005**

Meeting Participants

Leonard Bechtel, EPA HQ's WD

Melanie Benjamin, Mille Lacs

Chris Berini, Fond du Lac

Don de Blasio, EPA, OPA

Jay Bortzer, EPA, ARD

Gilbert Caribou, Grand Portage

Dan Cozza, EPA, WD

William K. Dew, EPA, IEO

Stan Ellison, Shakopee MSC

Ed Fairbanks, EPA, IEO

Rodger Field, EPA, ORC

Margaret Guerriero, EPA, WPTD

Gary Gulezian, EPA, GLNPO

Scott Hansen, Mille Lacs

Bonnie Harnish, Little River Band

John Haugland, EPA, IEO

David Horak, EPA, WD

David B. Jones, Huron Potawatomi

Alberta Jourdain, Red Lake

Floyd Jourdain, Jr., Red Lake

Rick Karl, EPA, SFD

Ferdinand Martineau, Fond du Lac

Bharat Mathur, EPA, ORA

Ken McBride, Red Lake

Chuck Meyer, Red Lake

Mark Parrish, Pokagon Band

Joel Rohde, Red Lake

Darrell Seki, Red Lake

Robert Shimek, Indigenous Env. Network

Tom Skinner, EPA, ORA

Darin Steen, Bois Forte

Brandy Toft, Leech Lake

Jodi Traub, EPA, WD

Margaret Watkins, Grand Portage

Barbara Wester, EPA, ORC

Gloria Whitefeather-Spears, Red Lake

Craig Wills, Prairie Island

Welcome and Introductions

Red Lake Chairman Jourdain provided a special welcome to the assembly, which convened in conjunction with the Native American Fish and Wildlife Society meeting, also hosted by Red Lake. Regional Administrator Skinner also bid everyone welcome and thanked Chairman Jourdain for hosting this quarter's meeting. Introductions were made around the table.

RTOC Administrative Business and Updates

Dew indicated that the meeting minutes from June 10, 2005 were previously distributed to the RTOC, and were included in the information packet. No changes/additions were offered and the minutes were considered approved.

Dew also reviewed the action items in the 9/22/05 RTOC Tracking Matrix. The items in that matrix are considered completed, and are to be replaced with a new matrix from this meeting.

Finally, Dew announced that Stan Ellison is rotating off the NTOC, and that his replacement as one of Region 5 Tribes' two representatives will be Laura Spurr, Chair, Nottawaseppi Huron Band, with David Jones as her alternate. Jones noted Spurr's interests in the Great Lakes

Collaboration and water issues.

CRITICAL ISSUES IN INDIAN COUNTRY

1. Introduction

DRA Mathur laid a foundation for the major discussion at this meeting. Months ago, EPA began a process to describe its baseline tribal program reservation by reservation. The Agency will be developing a time line for discussing these baselines with the RTOC and each reservation. The intent is to use this tool internally for planning and briefing purposes. John Haugland will be discussing some issues worthy of discussion in addition to this baseline.

The Agency is about to revise its strategic plan. Now is our opportunity to talk amongst ourselves about what is important, and how we and you can take these issues to Headquarters as important future issues or priorities. We want to hear what your priorities are, in addition to you know what is of interest to us. Our Headquarters is interested in joint planning approaches. In addition, we can use this approach to influence national program guidance.

By the next RTOC meeting, we want closure on what our joint issues are so that the RA and DRA can take them to Headquarters in January.

While we will share the process with the tribal chairs, the RTOC is the proper venue for these deliberations. We need to rise to the occasion and charge ourselves with the responsibility.

Mathur thanked Al Pemberton for his tour of Red Lake, and acknowledged the desire to keep it in its pristine condition.

Chairman Jourdain stressed the need for protection of the lake, as development in the region begins to eye the supply.

2. EPA's Significant Topics

Haugland presented a set of draft topics, which have arisen to a level of Region significance internally as EPA's Indian Program worked with the divisions and offices to capture reservation-specific needs. The issues address concerns in three categories: Implementation (e.g., federally approved water quality standards), Capacity (e.g., solid waste), and Leveraging/Collaboration (e.g., mining). The full list is attached.

3. Tribal Caucus View

Ellison presented the plans that the Caucus had for providing tribal themes from their perspective. The caucus will query their tribes on long-term environmental problems and needs. Each state has a lead for combining the information they hear back. The caucus will meet by phone in mid-November, with the help of John Haugland in setting up a conference line. At that call, they will consolidate the information into a discrete set of themes, and will write some steps that may be appropriate for each theme. They will share this with EPA before the December

RTOC meeting.

At the RTOC meeting, they hope the group can reach a conclusion on which issues to address jointly, and appoint small groups for each issue to develop actionable items to overcome barriers or solve problems. The groups would consist of a Caucus rep, an EPA RTOC rep (Division Director), any necessary divisional staff, and reps from a tribe who has experience on the issue.

4. Joint Discussion

Without promising what the issues will be that are raised by the tribes, Ellison started the group discussion by raising some potential issues that they anticipate showing up.

Water Quality Standards – it is likely the Caucus will ask for regionally-actionable items based on the overarching concern in Indian Country about the lack of protective standards in place.

Minor Air Sources. This might come up, because of the number of such sources and the concern over adding a new workload. One possible step for this issue could be developing minor source guidance such as CWA 106 guidance, but before the program starts.

Ellison pointed out that the RTOC should be solving problems, not just meeting for bureaucratic or administrative reasons. Some of the problems will require collaboration with the states, whether the tribes like it or not. EPA can provide some utility here.

RTOC should establish a committee to look at the agency strategic plan and provide revisions from an Indian Country perspective.

Sustainable (Low-Impact) Development will most likely be a critical theme for tribes. Tribes are not like industries – they can't just pick up and move, but are tied to a specific location in perpetuity. Economic sustainability and environmental protection need to be balanced.

Traub agreed with sustainability as an important issue, and offered wetlands and stormwater as additional issues to consider. Bob Newport is doing work on these three issues.

Tribal caucus members agreed that all tribes need to be able to comment on CAA SIPs.

Parrish and Jones both stressed that any joint efforts here should be parallel and consistent with the issues raised in the Great Lakes Collaboration (e.g., AOCs, exotic species).

Training and funding are continual issues that require RTOC strategic attention.

Sustainability and multi-media perspectives are important because of the historically holistic perspective tribes take, as opposed to stovepipe efforts. Creating a process to facilitate sustainability would be helpful.

McBride agreed water quality standards are a significant issue. Red Lake has final tribal WQS, but not TEA, although they applied years ago.

Chief Executive Benjamin underscored the interest in low-impact development, and referred to an alternative tribal development she learned of at a HUD conference.

Red Lake Treasurer Seki raised the question of funding impacts from Katrina.

Regional Administrator Skinner agreed that it was an important question. The EPA budget has been forecasted to decline even before Katrina. This means we need to focus our efforts on actions, not dollars.

Berini pointed out that the EPCRA Compliance issue is actually much broader, and should include FEMA/Homeland Security, for example. EPA RA and DRA agreed. Karl mentioned that EPA Superfund Division has opportunities to work and meet with the tribes, joint exercises, for example. RA Skinner agreed EPA can help tribes connect better to Homeland Security.

Shimek suggested that Global Warming is a significant issue for tribes, and that tribes can do a lot on this issue, in addition to lowering their own emissions. They can work with EPA and communicate with Congress. RA Skinner said that we should take this issue to the NTOC, but that includes internal and external views.

Bortzer said it makes sense for tribes to work with Air Division on minor sources, and that, in the long run, it will be more efficient for tribes to do this permitting work themselves, and they would get the fees.

Guerriero agreed with Integrated Waste Management as an EPA topic, and suggested consideration of asbestos and lead abatement as well.

Traub expressed a concern that any joint planning focus on solving a discrete set of issues. Deputy Regional Administrator Mathur agreed, and underscored that is the charge for John, Stan, and the RTOC.

Karl stressed the need to focus on a few opportunities where joint work can have some influence.

Bechtel pointed out that the 106 guidance can now help tribes report on impacts they are having with their work.

Mathur summed up that we need to focus on three-four problems to direct key activities and show results.

Toft provided a caveat that many activities don't show results right away.

Traub expressed the need, in agreement with several tribal comments over time, that we develop measures for environmental resources that are currently high quality, so that we can work to protect them, instead of waiting to do anything until they are degraded.

GREAT LAKES COLLABORATION

The Great Lakes National Program Office (GLNPO) Director, Gary Gulezian, provided the group with an update on the history of the Great Lakes interagency task force and collaboration efforts. There has been a great deal of direct tribal involvement in the 8 strategy teams (e.g., toxics, exotics). Consensus plans and recommendations were developed by each team. A draft plan is available for those interested. It includes chapters with five key recommendations for each. The public comment period was underway, with an early October meeting in New York, scheduled to finalize the recommendations and report. The final report will be presented to the governmental collaborative members at the Cabinet and Agency level, as well as the governors, tribes, and mayors. The goal is for each group to make commitments to implement the recommendations. Funding purposes for this work may be a little unrealistic now, but the partners want to keep the steps and directions intact.

Jones mentioned a conference call for tribal discussion of the draft, and agreed that tribal participation was good. There will be concurrent discussions for all 8 groups.

Gulezian said the target date for final plan unveiling is December 12.

CLEAN WATER ACT SECTION 106 GUIDANCE

Len Bechtel, OW, came from Washington to unveil the new 106 Guidance for tribes. It had been 18 years under the old guidance, and revisions were needed. There was a session on the guidance the day before at the conference at Red Lake. Some of the changes include greater consistency in how grants are administered between Regions, and better help for tribes in how to report. States do a good job reporting to the Hill and OMB, and this will hopefully help Tribes tell their stories.

Desire is to have this draft finalized and out for formal review in the Federal Register in October. There will be 60 days of comments, so the final would be out in early 2006.

OPEN FORUM

Parrish reported that Dwight Sargent has been replaced by AJ Matthews on the National Tribal Air Association executive committee, with Jennifer Youngblood as the alternate.

McBride encouraged the EPA senior managers to come out and visit Indian Country more often.

Dew reported pending GAP funding reductions in '06. 5-10 scenarios are being weighed in AIEO. One has no cuts to Region 5, a second has 9-10 thousand per tribe, a third has 4 thousand. IEO's strategy is to try to make each current grant whole, with closeout and carryover funding, if

possible. The recent recession is not anticipated to have an impact on Region 5 tribes. Mathur underscored the importance, in this context, of tribes handling commitments and reporting well.

Haugland announced that planning is underway for the next GAP conference, and invited ideas for agenda items. Any RTOC subgroups that are formed in our joint planning efforts, may be able to take advantage of GAP conference sessions.

Mathur acknowledged Bill Dew's pending retirement. Bill responded by encouraging the RTOC to raise issues up the line and use both EPA and tribal lines of communications. Tribes can help Region 5 managers learn about tribal perspectives. He encouraged tribes to be more active in EPA planning, developing RTOC agendas, and he encouraged EPA managers to visit Indian Country more often.

NEXT MEETING

The next meeting of the RTOC is scheduled for Tuesday, December 13, 2005, and will be hosted by USEPA Region 5 in its Chicago Offices.

Attachment:

**REGION 5 INDIAN PROGRAM 5
SIGNIFICANT TOPICS FOR 2006-2010**

Implementation Issues

- Conversion of state permits to federal, when feasible
- Tribal input to SIPs relating to ozone/pm nonattainment areas
- Federal Water Quality Standards
- Gearing up for CAA Minor Source Programs
- Program Assumptions

Capacity Issues

- General Tribal Capacity to work with EPA
- EPCRA Compliance
- Solid Waste
- CAA NESHAP – Asbestos
- Particulate Matter

Leveraging and Collaboration

- Exotic Species
- Mining
- GL Collaboration
- Integrated Waste Management
- Drinking Water